

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

**MED CARE EMERGENCY
MEDICAL SERVICES, INC.,
Plaintiff**

VS

**CITY OF PHARR, TEXAS,
ITZA FLORES, AMBROSIO “AMOS”
HERNANDEZ, RICARDO MEDINA,
DANIEL CHAVEZ, RAMIRO
CABALLERO, ROBERTO “BOBBY”
CARRILLO**

Defendants

C.A. NO. 7:21-cv-00445

**DEFENDANTS ITZA FLORES, AMBROSIO HERNANDEZ,
RICARDO MEDINA, DANIEL CHAVEZ,
RAMIRO CABALLERO, and ROBERTO CARRILLO'S
NOTICE OF APPEAL**

MAY IT PLEASE THE COURT:

Notice is hereby given that DEFENDANTS ITZA FLORES, AMBROSIO “AMOS” HERNANDEZ, RICARDO MEDINA, DANIEL CHAVEZ, RAMIRO CABALLERO, ROBERTO “BOBBY” CARRILLO in their Individual Capacities (hereinafter collectively “Defendants” or “City Defendants”) and file this Notice of Appeal to the United States Court of Appeals for the Fifth Circuit from an Oral Ruling denying Defendants’ Rule 12(b)(6) and 12(b)(1) Motion to Dismiss as to Plaintiff’s Third Amended Complaint and Motion to Stay Discovery as to Individual Defendants Pending Resolution of Qualified Immunity.

Defendants note that the Court has not provided a written order denying the Defendants' Rule 12(b)(6) and 12(b)(1) Motion to Dismiss as to Plaintiff's Third Amended Complaint and Motion to Stay Discovery as to Individual Defendants Pending Resolution of Qualified Immunity from which to timely appeal, but a docketed minute entry noting the denial of the Motion has been entered. Consequently, Defendants file this Appeal to avoid being put to trial or through discovery without a written Order ruling granting or denying their qualified immunity assertions.

SIGNED this 2nd day of June, 2023.

Respectfully submitted,

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COUNSEL FOR CITY DEFENDANTS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document has been served on the persons or parties identified below in accordance with one or more of the recognized methods of service by the Federal Rules of Civil Procedure on the 2nd day of June, 2023.

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COUNSEL FOR PLAINTIFF MED CARE

EMERGENCY MEDICAL SERVICES, INC.

Via Efiling Notification

Robert L. Drinkard

RICARDO J. NAVARRO

ROBERT L. DRINKARD